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A SOLICITATION CURB AT HOMES IS VOIDED

Justices Upset Ordinance Barring
Fund Appeals Without Proof
That Charities Get 75%

Special to The New York Times

WASHINGTON, Feb. 20 — The Supreme Court declared unconstitutional today a Chicago suburb's local ordinance barring door-to-door solicitations by charities that cannot prove that at least 75 percent of the money they collect goes directly for charitable purposes.

The Court ruled, 8 to 1, that the ordinance, enacted in 1974 by the Village of Schaumburg, Ill., was an unconstitutionally broad restriction on the free-speech rights of the charities.

Writing for the majority, Associate Justice Byron R. White said, "Charitable appeals for funds, on the street or door to door, involve a variety of speech interests — communication of information, the dissemination and propagation of views and ideas, and the advocacy of causes — that are within the protection of the First Amendment."

Therefore, he said, a government can constitutionally regulate such activity only by narrowly drawn regulations that serve a "sufficiently strong, subordinating interest" that the local government is "entitled to protect."

Village Argument Rejected

The Schaumburg regulation, Justice White concluded, was neither narrowly drawn nor adequately justified by the village's argument that it needed to protect its citizens from fraudulent or intrusive solicitation.

Justice White said the village could have dealt directly with potential fraud by requiring charities to disclose their finances. Referring to the village's other justifications, he said, "There is no indication that organizations devoting more than one-quarter of their funds to salaries and administrative expenses are any more likely to employ solicitors who would be a threat to public safety than are other charitable organizations. Householders are equally disturbed by solicitation on behalf of organizations satisfying the 75 percent requirement as they are by solicitation on behalf of other organizations."

The case, *Village of Schaumburg v. Citizens for a Better Environment*, No. 78-1335, was brought by an environmental group that could not meet the 75 percent requirement. Both the Federal District Court and the Court of Appeals for the Seventh Circuit, in Chicago, agreed that the ordinance violated the First Amendment.

Supporting Briefs Filed

The case attracted attention from many of the nation's largest charities, including the American Red Cross and the American Heart Association, as well as from less well established groups that argued in briefs as friends of the court that lesser-known or controversial organizations frequently have to spend more than 25 percent of their receipts on fund raising. A half dozen briefs were filed urging the Justices to affirm the lower courts.

According to some of the briefs, ordinances such as Schaumburg's are fairly widespread, but no precise figures were given.

The only member of the Court to dissent from today's ruling was Associate Justice William H. Rehnquist, who said the majority opinion "relegates any local government interested in regulating door-to-door activities to the role of Sisyphus." He said the Court gave "absolutely no guidance" on how to identify a legitimate charity.

Suits Against Federal Officials

In other action today, the Court ruled that damage suits brought against Federal officials in their individual capacities can be filed only in the Federal district where the official lives or where the alleged damage occurred. In a single opinion covering two related cases, *Stafford v. Briggs*, No. 77-1546, and *Colby v. Driver*, No. 78-303, the Court reversed Federal appeals court rulings that had allowed such suits to be brought in any district where any one of a group of Federal dependants lived.

A 1962 Federal law, the Mandamus and Venue Act, allows a "civil action" against a Federal official to be brought "in any judicial district in which a defendant in the action resides." The opinion by Chief Justice Warren E. Burger held that the law does not apply to suits "for money damages which must be paid out of the pocket of the private individual who happens to be — or formerly was — employed by the Federal Government."

The Colby case is a lawsuit against 25 current or former top-ranking officials of the Central Intelligence Agency brought by individuals whose mail to and from the Soviet Union was intercepted and opened without warrants. The Stafford case is a lawsuit by members of the Vietnam Veterans Against the War who charged former Government prosecutors with violating their constitutional rights during a trial in Gainesville, Fla.

Today's opinion does not affect the outcome of the suits, which can now be transferred to the appropriate courts.

Associate Justices Rehnquist, Harry A. Blackmun, Lewis F. Powell Jr. and John Paul Stevens joined the Chief Justice. Associate Justices Potter Stewart and William H. Brennan Jr. filed a dissent. Justice White and Associate Justice Thurgood Marshall did not participate in the case.

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